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EXAMINER				
GONZALES, APRIL GUZMAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DOCKETING.MOBILITY@MOTOROLA.COM

Office Action Summary

Application No.

10/695,513

Applicant(s)

LOVE ET AL.

Examiner

APRIL G. GONZALES

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11,12,14-21,23-34,36-43,45-48,50 and 55-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,12,14-21,23-34,36-40,46-48,50 and 60-63 is/are allowed.
- 6) ☒ Claim(s) 1,3-9,41,42,45,55 and 56 is/are rejected.
- 7) ☒ Claim(s) 43, 57-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/13/2010, 11/29/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 23 and 24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 23 and 24, in the present application, depend upon claim 22 which has been canceled. For purposes of examination, Examiner has read claim 23 to depend upon claim 19 and read claim 24 to depend upon claim 19. Corrections must be made.

Response to Arguments

Claims 11-12, 14-21, 23-28, 46-48, and 50 were previously allowed. These claims are still in condition for allowance, therefore these claims remain allowed.

Applicant's arguments with respect to claims 29-34, 36-40 and 60-63 have been fully considered and are persuasive. The rejection of claims 29-34, 36-40 and 60-63 has been withdrawn. However, upon further search and consideration independent claim 29, claim 60 and claim 62 are considered novel and non-obvious over the prior art and therefore are allowed. Claims 30-34 and 36-40 depend upon allowable claim 29, therefore, claims 30-34 and 36-40 are also allowed. Claim 61 depends upon allowable claim 60, therefore, claim 61 is also allowed. Claim 63 depends upon allowable claim 62, therefore, claim 63 is also allowed.

Applicant's arguments with respect to the rejection(s) of claim(s) 1, 3-9, 45, and 55-56 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Luschi et al. (US 2003/0045288 A1 herein Luschi) in view of Kadaba et al. (US 7,158,504 herein Kadaba).

Applicant's arguments with respect to the rejection(s) of claim(s) 41-42 have been fully considered. However, upon further consideration, a new ground(s) of rejection is made in view of Kadaba et al. (U.S. Patent # 7,158,504 herein Kadaba) in view of Gopalakrishnan et al. (U.S. Patent # 6,836,666 herein Gopalakrishnan).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-9, 45 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luschi et al. (U.S. Patent Application Publication # 2003/0045288 A1 herein Luschi) in view of Kadaba et al. (U.S. Patent # 7,158,504 herein Kadaba).

Consider claim 1, Luschi teaches a method for scheduling mobile station uplink transmissions by a base station comprising steps of:

receiving scheduling information from a mobile station, wherein the scheduling information comprises at least one of a queue status and a power status of the mobile station (read as a random access channel communicating quality of service and amount of data to be transmitted, A HS-USCH uplink shared channel scheduler resides at the network, base station, side which requires the uplink signaling of the UE's current buffer status and the UE must then also transmit H-ARQ parameters and current buffer status) ([0047]);

determining an uplink channel scheduling assignment for the mobile station using at least one of the scheduling information and a base station interference metric and a link quality corresponding to the selected mobile station (read as scheduling of the different users on the downlink shared channel is performed on the basis of the channel conditions and the UE negotiated Quality of Service) ([0046]).

However, Luschi fails to teach transmitting the uplink channel scheduling assignment to the mobile station, wherein the uplink channel scheduling assignment comprises a maximum

traffic channel to control channel power ratio that the mobile station is allowed to use in a subsequent reverse link transmission.

In the related art, Kadaba teaches transmitting the uplink channel scheduling assignment to the mobile station, wherein the uplink channel scheduling assignment comprises a maximum traffic channel to control channel power ratio that the mobile station is allowed to use in a subsequent reverse link transmission (read as the control channel structure provides a common control channel(s) on the forward link to provide scheduling grants and for either indicating a waiting period or acknowledgement of data burst and/or providing rate control information, the control information can provide a provision to allocate the total received power among multiple wireless units) (column 3 lines 14-18, column 3 lines 22-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kadaba into the teachings of Luschi for the purpose of providing fast scheduling to deliver significant gains via higher data rates/shorter frames and hence better aggregate throughput even after considering the higher overheads (column 2 lines 36-43).

Consider claim 3 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach wherein the power status corresponds to a power level of a Dedicated Physical Control Channel (DPCCH) (Luschi et al. – [0062]).

Consider claim 4 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach wherein the power status is based on a difference between a Dedicated Physical Control Channel (DPCCH) power level and a maximum power level supported by the mobile station (Luschi et al. – [0015]-[0016]).

Consider claim 5 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach wherein the queue status corresponds to a size of a data queue (Kadaba et al. – column 4 lines 56-67, and column 5 lines 1-17).

Consider claim 6 as applied to claim 5, Luschi et al. as modified by Kadaba et al. further teach wherein the queue status further indicates a size of a layer 3 signaling queue (Kadaba et al. – column 4 lines 56-67, and column 5 lines 1-17).

Consider claim 7 as applied to claim 5, Luschi et al. as modified by Kadaba et al. further teach wherein the queue status further indicates that a layer 3 signaling queue is non-empty (Kadaba et al. – column 4 lines 56-67, column 9 lines 61-67, and column 10 lines 1-4).

Consider claim 8 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach further comprising conveying base station interference information to the mobile station via a forward link control channel (Kadaba et al. – column 1 lines 54-65, and column 3 lines 22-30).

Consider claim 9 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach wherein the link quality is one or more of a link quality of an uplink channel from the mobile station and a link quality of a download channel from the base station to the mobile station (Luschi et al. – [0045]-[0047], and Kadaba et al. – column 4 lines 46-55).

Consider claim 55 as applied to claim 1, Luschi et al. as modified by Kadaba et al. further teach receiving from the mobile station, an indication of a selection of a modulation and coding scheme that is based on the transmitted a maximum traffic channel to control channel power ratio that is for an uplink transmission (Luschi – [0045]-[0046]).

Consider claim 56 as applied to claim 55, Luschi et al. as modified by Kadaba et al. further teach wherein receiving an indication of a selection of a modulating and coding scheme comprises receiving an indication of a selection of transport format and resource-related information (TFRI) that is based on the maximum traffic channel to control channel power ratio and that is for an uplink transmission (Kadaba - column 4 lines 46-55, column 5 lines 28-67, and column 6 lines 1-15).

Consider claim 45, Luschi et al. a method for controlling communications with a mobile station by a base station (Abstract, Figure 1, [0014], and [0026]) comprising steps of:

storing, by the base station, traffic data from the mobile station in a traffic data buffer (read as to assist in HS-USCH scheduling at the base station, UEs should explicitly report the amount of information still to be sent and currently buffered, buffer status information) ([0047], and [0056]).

However, Luschi et al. fail to teach transmitting, by the base station, first control data to the mobile station on a downlink control channel; upon transmitting the first control data, starting, by the base station, a timer; and when a predetermined period of time expires prior to receiving second control data from the mobile station on an uplink control channel, flushing the traffic data buffer.

In the related art, Kadaba et al. teach transmitting, by the base station, first control data to the mobile station on a downlink control channel (read as provide rate control information, in its control aspect it can be used to control the rate/power at which the wireless unit transmits) (column 7 lines 8-13, column 7 lines 37-48); upon transmitting the first control data, starting, by the base station, a timer (read as waiting period timer); and when a predetermined period of time

expires prior to receiving second control data from the mobile station on an uplink control channel, flushing the traffic data buffer (read as flush out the buffer of the base station that was unsuccessful in decoding the previous transmission) (column 10 lines 27-67, column 11 lines 1-13, column 12 lines 14-67, and column 13 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kadaba et al. into the teachings of Luschi et al. for the purpose of providing fast scheduling that can deliver significant gains via higher data rates/shorter frames and hence better aggregate throughput even after considering the higher overheads (column 2 lines 36-43).

Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba et al. (U.S. Patent # 7,158,504 herein Kadaba) in view of Gopalakrishnan et al. (U.S. Patent # 6,836,666 herein Gopalakrishnan).

Consider claim 41, Kadaba et al. a method for controlling communications with a mobile station by a base station (Abstract, and column 3 lines 8-30) comprising steps of:

storing, by the base station, traffic data from the mobile station in a traffic data buffer (read as the reverse request update channel reports the current status of the wireless unit's buffer, it alerts the base station to the wireless unit's presence, and triggers subsequent scheduling of the wireless unit by base stations that receive this channel from the wireless unit) (column 4 lines 56-67, and column 5 lines 1-17);

determining a reverse link signal quality metric at the base station (read as reverse pilot reference channel reports the wireless unit pilot strength to the base station to enable the base

station to calculate the instantaneous path loss to the wireless unit and hence the ability of the mobile to support different data rates) (column 5 lines 18-51); and

flushing the traffic data buffer (read as flush out the buffer of the base station that was unsuccessful in decoding the previous transmission) (column 12 lines 14-67, and column 13 lines 1-7).

However, Kadaba et al. fail to teach comparing the reverse link signal quality metric to a threshold; and the reverse link signal quality metric compares unfavorably with the threshold.

In the related art, Gopalakrishnan et al. teach comparing the reverse link signal quality metric to a threshold; and the reverse link signal quality metric compares unfavorably with the threshold (read as the BS stores the above information and measures channel conditions, it computes the maximum receivable power on the packet data channel and corresponding data rate, at any given instant every BS maintains a threshold A for the tolerable received power) (column 4 lines 43-67, column 5 lines 1-29, and column 6 lines 24-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gopalakrishnan et al. into the teachings of Kadaba et al. for the purpose of providing a balance between network throughput and user level QoS via a combination of fast rate adaptation and centralized scheduling at the BS in addition to enabling fast scheduling and enables the use of advanced techniques such as H-ARQ and various flavors of incremental redundancy and are aimed at improving network and user performance (column 2 lines 11-21).

Consider claim 42, as applied to claim 41 above, Kadaba et al. as modified by Gopalakrishnan et al. further teach wherein the reverse link quality metric comprises a reverse

link power control metric and wherein comparing comprises comparing the reverse link power control metric to an inner loop power control setpoint (read as within certain margins of safety, it is important to ensure that the aggregate receive power at the BS does not exceed the threshold A) (Gopalakrishnan et al. - column 4 lines 43-67, column 5 lines 1-29, column 6 lines 24-43, column 7 lines 42-67, column 8 lines 1-23, and column 9 lines 12-65).

Allowable Subject Matter

Claims 43 and 57-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-12, 14-21, 23-34, 36-40, 46-48, 50 and 60-63 are allowed.

Consider claim 11, the best prior art of record found during the examination of the present application, Kadaba et al. (U.S. Patent # 7,158,504), fail to specifically teach, suggest, or disclose a method for scheduling a mobile station transmission comprising: scheduling, by a base station of a plurality of base stations, a mobile station of a plurality of mobile stations for a transmission interval based on scheduling information received from each mobile station of the plurality of mobile stations and further based on a link quality metric; conveying base station interference information to the selected mobile station via a forward link control channel; receiving, by the base station from the scheduled mobile station, a first transmission of data, which transmission of data is conveyed by the mobile station during the transmission interval and comprises transport format and resource-related information (TFRI); decoding the first

transmission of the data; when the first transmission of the data is not successfully decoded, receiving, by the base station, communications from the scheduled mobile station corresponding to at least one retransmission of the data; combining, by the base station, each of the at least one retransmission of the data with the previously received data to produce combined data until the first to occur of a successful decoding of the combined data or a flushing of a Hybrid Automatic Repeat Request (H-ARQ) buffer; when one of the first transmission of data and the combined data is successfully decoded, conveying an acknowledgment to the mobile station; and in response to conveying the acknowledgment, flushing the H-ARQ buffer.

Kadaba teaches the wireless unit 150 deems the transmission successful if either base station 152 or 154 ACKs. The wireless unit 150 sends the R-EPFICH and the R-HHCH to flush out the buffer of the base station that was unsuccessful in decoding the previous transmission (column 12 lines 1-13). BS1 is successful in decoding the wireless unit's data burst and sends ACK indicated by arrow 184. BS2 is unsuccessful in decoding the wireless unit's data burst and sends a NACK indicated by arrow 186. The wireless unit 170 acts on the basis of the ACK from BS1. The next transmission of the wireless unit can be scheduled by either BS1 or BS2. The wireless unit 170 sends the R-EPFICH and R-HCCH to flush out BS2's buffer during this transmission as indicated by arrows 188 and 190 (column 12 lines 32-42). Therefore claim 11 is considered novel and non-obvious over the prior art and therefore is allowed.

Claims 12, 14-21, 23-28 depend on allowable claim 11, therefore these claims are also considered novel and non-obvious over the prior art and are therefore allowed.

Consider claim 29, the best prior art of record found during the examination of the present application, Luschi et al. (US 2003/0045288 A1 herein Luschi), fail to specifically teach,

suggest, or disclose a method for transmitting data by a mobile station comprising steps of: receiving, at the mobile station, interference information associated with, and conveyed to the mobile station by, a base station; selecting, by the mobile station, a modulation and coding scheme based on the received interference information; transmitting data in a first reverse link channel; and transmitting an indication of the selected modulation and coding scheme in a second reverse link channel, wherein the selected modulation and coding scheme can be used to demodulate and decode the transmitted data.

Luschi teaches the operation of network-initiated downlink packet transmission is similar to known HSDPA schemes using fast rate selection by Adaptive Modulation and Coding (AMC), and H-ARQ at the MAC layer ([0045]). To enable fast rate selection by AMC, UEs must explicitly report and estimate of the downlink channel quality or the downlink supportable rate ([0054]). For both the uplink and the downlink shared channels, the network determines the required rate of transmission of the feedback measurement report, and communicates this information to the UE ([0055]). Therefore claim 29 is considered novel and non-obvious over the prior art and therefore is allowed.

Claims 30-34 and 36-40 depend upon allowable claim 29, therefore these claims are also considered novel and non-obvious over the prior art and are therefore allowed.

Consider claim 46, the best prior art of record found during the examination of the present application, Luschi et al. (US 2003/0045288 A1 herein Luschi), fail to specifically teach, suggest, or disclose a method for controlling communications with a mobile station by a base station comprising steps of: determining, by the base station, a link quality metric at the base station; comparing, by the base station, the link quality metric to a threshold; and when the link

quality metric compares unfavorably with the threshold, deallocating, by the base station, demodulation resources allocated to a first uplink control channel associated with the mobile station while maintaining allocation of demodulation resources associated with a second uplink control channel that is associated with the mobile station, wherein each of the demodulation resources allocated to a first uplink control channel and the demodulation resources associated with a second uplink control channel demodulation resource comprises a RAKE finger.

Luschi teaches the operation of network-initiated downlink packet transmission is similar to known HSDPA schemes using fast rate selection by Adaptive Modulation and Coding (AMC), and H-ARQ at the MAC layer ([0045]). To enable fast rate selection by AMC, UEs must explicitly report and estimate of the downlink channel quality or the downlink supportable rate ([0054]). For both the uplink and the downlink shared channels, the network determines the required rate of transmission of the feedback measurement report, and communicates this information to the UE ([0055]). Therefore claim 46 is considered novel and non-obvious over the prior art and therefore is allowed.

Claims 47-48 depend upon allowable claim 46, therefore these claims are also considered novel and non-obvious over the prior art and therefore are also allowed.

Consider claim 50, the best prior art of record found during the examination of the present application, Luschi et al. (US 2003/0045288 A1 herein Luschi), fail to specifically teach, suggest, or disclose a method for controlling communications with a mobile station by a base station comprising steps of: transmitting, by the base station, first control data to the mobile station on a downlink control channel; upon transmitting the first control data, starting, by the base station, a timer; and when a predetermined period of time expires prior to receiving second

control data from the mobile station on an uplink control channel, deallocating, by the base station, demodulation resources allocated to a first uplink control channel associated with the mobile station while maintaining allocation of demodulation resources associated with a second uplink control channel that is associated with the mobile station, wherein each of the demodulation resources allocated to a first uplink control channel and the demodulation resources associated with a second uplink control channel demodulation resource comprises a RAKE finger.

Luschi teaches the operation of network-initiated downlink packet transmission is similar to known HSDPA schemes using fast rate selection by Adaptive Modulation and Coding (AMC), and H-ARQ at the MAC layer ([0045]). To enable fast rate selection by AMC, UEs must explicitly report and estimate of the downlink channel quality or the downlink supportable rate ([0054]). For both the uplink and the downlink shared channels, the network determines the required rate of transmission of the feedback measurement report, and communicates this information to the UE ([0055]). Therefore claim 50 is considered novel and non-obvious over the prior art and therefore is allowed.

Consider claim 60, the best prior art of record found during the examination of the present application, Luschi et al. (US 2003/0045288 A1 herein Luschi), fail to specifically teach, suggest, or disclose a method for scheduling a mobile station uplink transmission comprising steps of: transmitting scheduling information by the mobile station, wherein the scheduling information comprises at least one of a queue status and a power status of the mobile station; receiving, by the mobile station from a base station, an uplink channel scheduling assignment, wherein the uplink channel scheduling assignment comprises a maximum power margin target;

selecting, by the mobile station and based on the maximum power margin target, a modulation and coding scheme for an uplink transmission; and transmitting, by the mobile station, an indication of the selected modulation and coding scheme.

Luschi teaches the operation of network-initiated downlink packet transmission is similar to known HSDPA schemes using fast rate selection by Adaptive Modulation and Coding (AMC), and H-ARQ at the MAC layer ([0045]). To enable fast rate selection by AMC, UEs must explicitly report and estimate of the downlink channel quality or the downlink supportable rate ([0054]). For both the uplink and the downlink shared channels, the network determines the required rate of transmission of the feedback measurement report, and communicates this information to the UE ([0055]). Therefore claim 60 is considered novel and non-obvious over the prior art and therefore is allowed.

Claim 61 depends upon allowable claim 60, therefore, claim 61 is also considered novel and non-obvious over the prior art and therefore is also allowed.

Consider claim 62, the best prior art of record found during the examination of the present application, Luschi et al. (US 2003/0045288 A1 herein Luschi), fail to specifically teach, suggest, or disclose a mobile station comprising: means for transmitting scheduling information, wherein the scheduling information comprises at least one of a queue status and a power status of the mobile station; means for receiving, from a base station, an uplink channel scheduling assignment that is based on the scheduling information, wherein the uplink channel scheduling assignment comprises a maximum traffic channel to control channel power ratio; means for selecting a modulation and coding scheme based on the maximum traffic channel to control

channel power ratio and for an uplink transmission; and means for transmitting an indication of the selected modulation and coding scheme to the base station.

Luschi teaches the operation of network-initiated downlink packet transmission is similar to known HSDPA schemes using fast rate selection by Adaptive Modulation and Coding (AMC), and H-ARQ at the MAC layer ([0045]). To enable fast rate selection by AMC, UEs must explicitly report and estimate of the downlink channel quality or the downlink supportable rate ([0054]). For both the uplink and the downlink shared channels, the network determines the required rate of transmission of the feedback measurement report, and communicates this information to the UE ([0055]). Therefore claim 62 is considered novel and non-obvious over the prior art and therefore is allowed.

Claim 63 depends upon allowable claim 62, therefore, claim 63 is considered novel and non-obvious over the prior art and therefore is also allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see PTO-892 Notice of References Cited.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April G. Gonzales whose telephone number is 571-270-1101. The examiner can normally be reached on Monday - Friday, 9:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/April Guzman Gonzales/
/A. G. G./
Examiner, Art Unit 2618